

1201 – Child Placement Services

XIII. EDUCATIONAL STABILITY

Every child in the custody of a North Carolina county child welfare agency must have a plan for educational stability. The plan must address:

- School stability
 - A child shall remain in his or her school of origin upon entering the custody of a county child welfare agency or experiencing a placement change, and/or
 - A Best Interest Determination meeting must occur before a child changes schools.
- School enrollment - Must be completed in a timely manner.
- Educational needs and services
 - A child's ongoing educational needs must be reviewed at least every six months, and
 - Services to address a child's educational needs must be provided in a timely manner.
- Documentation regarding educational stability - Must be maintained in every case file.

Every county child welfare agency must monitor educational stability for the children in its legal custody.

A. LEGAL BASIS

[According to Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care \(2016\)](#), "Of the approximately 415,000 children in foster care in 2014, nearly 270,000 were in elementary and secondary schools. Studies find that children in foster care are much more likely than their peers to struggle academically and fall behind in school. Students in foster care at age 17 are also less likely to graduate from high school, with only 65 percent graduating by age 21 compared to 86 percent among all youth ages 18 to 24. A recent study found that children in foster care in California scored lower on assessments and showed less progress in scores over time compared to peers of similar backgrounds who were not in foster care.

Children in foster care experience much higher levels of residential and school instability than their peers; one study showed that 75 percent of children in foster care made an unscheduled school change in one school year, compared to less than 40 percent for children not in foster care. Unplanned school changes may be associated with delays in children's academic progress, leaving highly mobile students potentially more likely to fall behind their less mobile peers academically. Children experiencing this type of instability, including many students in foster care, are thus more likely to face a variety of academic difficulties."

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The [Fostering Connections to Success and Increasing Adoptions Act \(2008\) \(Public Law 110-351\)](#) is a federal mandate that is designed to ensure school stability for children in out-of-home care. The act requires child welfare agencies to coordinate with educational agencies to ensure educational stability for every child in foster care. Foster care means 24-hour substitute care for children whom the county child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes, and for the purpose of this policy includes trial home placements.

In December 2015, Congress passed the [Every Student Succeeds Act \(ESSA\) \(P.L. 114-95\)](#). ESSA reauthorized the 1965 *Elementary and Secondary Education Act* (ESEA) and includes new provisions that promote educational stability for children in foster care. This law provides federal support for programs to serve public school students in preschool through 12th grade and replaces the *No Child Left Behind* law of 2002. Effective December 10, 2016, these provisions complement those in the *Fostering Connections Act* and require state educational agencies and local educational agencies to work with child welfare agencies to ensure the educational stability of children in foster care. In particular [42 U.S.C. 671](#) (a)(30) and [42 U.S.C. 675](#)(1)(G) require both county child welfare agencies and local education agencies collaborate to ensure that school changes are minimized, and that children in care who do change schools are promptly enrolled. With ESSA "awaiting foster care placement" was removed from the McKinney Vento Act definition of homeless.

[NC General Statutes 7B-903.1](#) states that when a child is in the custody of the county child welfare agency, the county director may arrange for, provide, or consent to decisions about matters that are generally made by a juvenile's custodian, including, but not limited to, educational decisions and consenting to the sharing of the juvenile's educational information, without obtaining parental consent.

County child welfare agencies are entitled to all educational records of a child in nonsecure custody through the [Uninterrupted Scholars Act \(P.L. 112-278\)](#).

Each child's privacy and confidentiality are ensured by the [Federal Educational Records Privacy Act \(FERPA\) \(20 U.S.C § 1232g; 34 CFR Part 99\)](#) and the confidentiality of information provisions in the Individuals with [Disabilities Education Act \(IDEA\) \(20 U.S.C. §§ 1400-1444\)](#).

RESPONSIBILITIES

ESSA contains several new provisions for students in the legal custody of county child welfare agencies. Following are the responsibilities of the state and county child welfare agencies, as well as the state and local educational systems for ensuring compliance to this policy.

State Responsibilities

North Carolina must ensure the educational stability of children in the legal custody of county child welfare agencies. ESSA requires that states must provide assurances that:

- 1) A child in agency custody will remain in the child's current school until a best interest determination is made; and
- 2) If a determination is made that it is not in the child's best interest to remain in the current school, the child will immediately be enrolled in a new school even if the child is unable to produce records normally required for enrollment.
- 3) Each state is also required to designate a point of contact for county child welfare agencies to oversee the implementation of the state responsibilities.

County Child Welfare Agency Responsibilities

Prior to ESSA, the Fostering Connections to Success and Increasing Adoptions Act required that every child's case plan include:

- 1) Assurances that the child's placement decisions by child welfare agencies consider the appropriateness of the current education setting and the proximity to the school in which the child was enrolled at the time of the placement;
- 2) An assurance that the county child welfare agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement; and
- 3) If remaining in the school is not in the child's best interest, assurances by the child welfare agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all the educational records of the child provided to the school.

Additional requirements with ESSA include that each county child welfare agency must:

- 1) Designate a point of contact and notify the school district(s), in writing, that the county child welfare agency has designated an agency point of contact and request that the school district(s) designate a corresponding point of contact;
- 2) Develop and implement clear, written procedures to maintain children in agency custody in their current school when in their best interest, and if a determination is made that it is not in the child's best interest to remain in the current school, the county child welfare agency will notify the new

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school so that the child will be immediately enrolled, even if all records normally required for enrollment are not available;

- 3) Document efforts to maintain the child in his or her current school or if not feasible, document why a change of school was in the child's best interest;
- 4) Develop and implement clear, written procedures for educational stability that are addressed in each child's case plan; and
- 5) Collaborate with local school agencies regarding funding for any additional cost of the school transportation for children in agency custody.

Each county child welfare agency must collaborate with the associated local school district(s) to achieve compliance with policy.

Local Educational Agency/School District Responsibilities

Note: Local educational agency is synonymous with (local) school district and includes charter schools. For consistency, local educational agency (LEA) will be the terminology used.

Each LEA must:

- 1) Designate a point of contact when the corresponding county child welfare agency notifies the LEA, in writing, that the county child welfare agency has designated an agency point of contact;
- 2) Respond to notification from a county child welfare agency requesting enrollment of a child in a school in a timely manner;
- 3) Collaborate with county child welfare agencies to determine the school that is in the child's best interest; and
- 4) Develop and implement clear, written procedures governing how transportation to maintain children in agency custody in their current school when in their best interest will be provided, arranged, and funded for the duration of a child's time in agency custody. When it has been determined that a child in agency custody must change schools, develop and implement clear, written procedures governing how transportation will be provided, arranged, and funded for the duration of that child's time in agency custody.

Transportation procedures must ensure that children in agency custody needing transportation to the current school will promptly receive transportation in a cost-effective manner.

All local educational agencies/public school districts in North Carolina must comply with ESSA. This includes public charter schools.

For additional information regarding the legal basis and school responsibilities see, *Every Student Succeeds Act: Ensuring Educational Stability for Children and Youth in*

Foster Care in North Carolina, North Carolina Division of Social Services and North Carolina Department of Public Instruction Joint Guidance.

B. CHILD WELFARE EDUCATIONAL STABILITY PROTOCOL

Educational stability promotes educational success so children in agency custody continue their education without disruption, maintain important relationships, and have the opportunity to achieve college and career readiness. The emphasis of this policy is to minimize the number of school changes for each child and when a school change is unavoidable ensure each child is enrolled in a timely manner. Decisions regarding educational stability **must** be based on what is in each child's best interest.

To ensure educational stability, child welfare agencies and education agencies should coordinate efforts in five primary areas:

1. School enrollment – Decisions for placement and enrollment of students **must** be completed in a timely manner;
2. School stability – Each placement (initial placement or placement change) of a child **must** consider the appropriateness and proximity of the current educational setting, include coordination with the LEA to ensure that the child can remain in that school, or if remaining in that school is not in the child's best interest, assure immediate enrollment of the child in a new school with all educational records provided;
3. School transportation – A mode of transportation to support educational stability for each child must be identified. Costs of travel to school are allowed as part of foster care maintenance payments;
4. Development of an educational plan – A plan for educational stability **must** be in the case plan for each child in agency custody and efforts to maintain the child in his or her current school whenever a placement change occurs **must** be documented; and
5. Data collection – Monitoring of educational stability for children in agency custody in each county must occur.

SCHOOL ENROLLMENT AND STABILITY

Planning for educational stability should begin early in the CPS assessment phase of a case with the identification of the school and grade for every child in the home.

When it is determined that a child must enter the custody of a county child welfare agency or that a child currently in the custody of a county child welfare agency requires a placement change, the county child welfare agency shall complete the following.

1. [Child and Family Team \(CFT\)](#) meeting and Best Interest Determination (BID)

A CFT meeting shall be scheduled prior to filing a petition for custody or a placement change. At that CFT the following decisions impact educational stability:

- The decision regarding the child's placement, and, whenever feasible, and appropriate,
- The Best Interest Determination (BID) regarding the school the child will attend. Educational professionals must participate in this decision. The BID meeting may need to be scheduled separately depending on the family circumstances and desires.

The child's placement decision by the county child welfare agency shall be based on the child's best interest, primarily the child's safety and permanency needs, and also his or her educational needs. See [Placement Decision Making](#) policy for other considerations including but not limited to relatives and sibling placement.

Once the decision is made regarding placement for the child, the BID will determine what school the child will attend. If the outcome of a CFT is that a child must enter the custody of a county child welfare agency or that a placement change is required, and the BID did not occur during the CFT, the child must remain in his or her current school until the BID is held.

2. School Notification

When the outcome of the BID is that the child will remain in the same school OR if a BID meeting was not held prior to the child's placement, the Foster Care Notification of Placement (Change) form (DSS-5133) is provided to the current school by either the child welfare agency or the placement provider within one school day. This ensures that:

- The school's records are updated;
- The county child welfare agency obtains the child's educational records;
- The school determines the mode of transportation for the child; and
- If a BID did not occur prior to the placement, a BID meeting is scheduled by the county child welfare agency within three school days. Consider scheduling the BID at the time of the Child Planning or Day One Conference.

If the outcome of the BID is that the child will enroll in a new school, the Foster Care Immediate Enrollment form (DSS-5135) is provided to the new school by either the child welfare agency or the placement provider within one school day. This ensures that:

- The child is immediately enrolled;
- The school's records are updated;
- The county child welfare agency obtains the child's educational records;

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- The school determines the mode of transportation for the child; and
- An Educational Services (ES) meeting is scheduled by the county child welfare agency within one month (or 20 school days).

The county child welfare social worker should notify the county child welfare agency point of contact whenever an initial placement, placement change, or school change occurred. Each county child welfare agency is responsible for the process to ensure that this notification occurs in a timely manner. One of the responsibilities of the county child welfare agency point of contact is data collection regarding compliance with educational stability policy for all children in a county child welfare agency's custody.

When there is a placement change or school change, the county child welfare agency must arrange for transportation until school transportation can be provided for the child to and from the placement and his or her school (at a minimum until the BID meeting has occurred).

Approval by the county child welfare agency director or designee is required for the rare case when a child changes school prior to the BID. In those cases, the county child welfare agency or placement provider shall deliver the Enrollment form to the new school within one school day of the child's placement. A BID meeting shall be scheduled by the county child welfare agency within three school days. For cases when a child is entering custody, and the BID meeting is not held prior to entering custody, consider scheduling the BID at the time of the Child Planning or Day One Conference. School representation from both schools should participate.

With the Notification form or Enrollment form provided to the school by either the child welfare agency or the placement provider should be all required, available child information (immunization records, birth certificate, custody order, etc.). Educational stability requires that the school provide immediate enrollment for a child in the custody of a county child welfare agency regardless of the information available. Once the school has received the Enrollment form, the child must be enrolled in the school within one school day.

For a child who was not enrolled in school prior to entering the custody of a county child welfare agency, the Enrollment form shall be provided to the school within one day of placement. In most cases the school transportation zone for the placement provider(s)'s address should determine the school for enrollment. This applies to a child who was previously home schooled or a child who did not attend school prior to entering a county child welfare's custody. In these cases, an Educational Services meeting shall be scheduled by the county child welfare agency:

- Within one month (or 20 school days) of the child's enrollment for a child entering pre-school or kindergarten, or

- Within three school days of the child's enrollment for any school aged child who was home schooled or had not attended school for an extended period of time (greater than one month).

See the Flow Chart for this process on page 23.

BEST INTEREST DETERMINATION MEETING

Whenever a county child welfare agency places a child in agency custody or in a new foster home, the child should continue to attend his or her current school. Child welfare policy requires a Child and Family Team (CFT) meeting be held prior to assuming custody or making a placement change. The Best Interest Determination (BID) meeting regarding the child's school placement shall be coordinated with the CFT meeting, whenever possible, and appropriate. If the BID meeting does not occur prior to the child's new placement, a BID meeting must be scheduled within three school days after the child's placement.

The only exception to the requirement to hold a BID meeting prior to a child's placement is when the child's placement is within the existing transportation system for the current school he or she attends and there is no intent to change the child's school assignment. In those cases, the BID meeting or an Educational Services (ES) meeting must be held within one month (or 20 school days) of the child's placement.

HOLDING THE BEST INTEREST DETERMINATION MEETING

1. Prepare for the BID meeting

The county child welfare agency is responsible for notifying the:

- Birth parents,
- Placement provider,
- Child,
- School professionals (communicate with LEA point of contact to ensure all appropriate school professionals are notified),
- Guardian ad Litum (GAL) (for children in county child welfare agency custody), and
- Relatives, service providers, or others that may have knowledge regarding the educational best interest of a child.

In the rare case when a child had to change school prior to the BID meeting, both the current school and new school should participate in the BID meeting.

See the Best Interest Determination form (DSS-5137) for suggestions regarding additional attendees.

Form [DSS-5189III](#) can be used to notify participants of the meeting when the BID meeting is held in conjunction with a Permanency Planning Action Team (PPAT) meeting for a placement change. For potential placement changes for a child in the county child welfare agency's custody, refer to [1201 Child Placement Services, V.](#)

[Out of Home Placement Services](#). A procedural notice to parents of a plan to change placement of a child is required, see form [DSS-5189I](#). The only exceptions are:

- The child's health or well-being would be endangered by delaying the action; or
- The child would be endangered if prior notice were given.

The county child welfare agency shall discuss with the child the purpose of the meeting, prepare the child for the meeting (unless it is determined that the child should not attend the meeting), and assist the child in the identification of a supportive adult who the child would like to attend and participate in the meeting either with the child or on behalf of the child.

2. Convene the BID Meeting

There are multiple factors to be considered and addressed in the BID including, but not limited to: safety, student age, length and distance of commute, student's permanency plan, and student's behavioral concerns.

The outcome of the meeting should be:

- Selection of the school based on the child's best interest,
- Identification of the transportation method (if there is adequate information), and
- Clear tasks for follow up, as needed, including transportation funding.

In making the determination at the BID meeting as to whether it is in the child's best interest to remain in his or her current school (school of origin), the county child welfare agency and LEA must consider the appropriateness of the current educational setting and proximity of placement. In addition, the county child welfare agency and LEA should consider all factors relating to a child's best interest, including, but not limited to:

- Preferences of the child;
- Preferences of the child's parent(s) or education decision maker(s);
- The child's attachment to the school, including meaningful relationships with staff and peers;
- Placement of the child's sibling(s);
- Influence of the school climate on the child, including safety;
- The availability and quality of the services in the school to meet the child's educational and socioemotional needs;
- History of school transfers and how they have impacted the child;
- How the length of the commute would impact the child, based on the child's developmental stage;
- The school calendar (i.e., is the school term about to end);
- Whether the child is a student with a disability under the IDEA who is receiving special education and related services or a student with a disability under [Section 504 of Rehabilitation Act](#) who is receiving special education or related aids and

- services and, if so, the availability of those required services in a school other than the school of origin; and
- Whether the child is an English Learner (EL) and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the Equal Educational Opportunities Act (EEOA).

The BID meeting should also include discussion about child's permanent plan and how school placement will support that plan.

Child welfare agencies and LEAs should work to maintain a child in his or her current school when:

- The child's educational needs are well-served by the current school, including special education resources, vocational education, or Advanced Placement courses,
- The child is progressing at a reasonable pace (passing courses and being promoted),
- There are no safety concerns with the child remaining in the current school, and
- The child is not experiencing any problems in the current school.

The final decision regarding the school placement for a child cannot be influenced by the cost of transportation. The school selected shall be the one that meets the educational, social, and developmental needs of the child, without consideration for the cost of transportation to that school.

The BID meeting shall be documented on the BID form which must be maintained in the child's placement record.

3. Implement actions based on the BID meeting decision

Following a BID meeting the county child welfare agency shall immediately notify the child, the parent, the school of origin LEA, and the Guardian ad Litum (GAL) (if known) in writing of the decision. This notification should include the basis for the decision and the new school in which the child will be enrolled (if different) and shall be maintained in the child's case file. Form DSS-5189IV can be used to notify the parent, GAL, or other members of the Permanent Planning Action Team meeting outcome. [DSS-5189II](#) can be used to notify parents when a child's placement has been changed, including a change in school, and timing did not allow for a PPAT or BID meeting.

If the BID decision is that the student will remain in the current school, the school point of contact notifies the school transportation designee, who then assists the county child welfare social worker in arranging transportation to and from school.

If the BID is that a child should change school, the following should be considered when developing the transition plan:

- Providing the child with information about the new school, like the class schedule, etc.,
- Allowing the child to visit the new school prior to first day of attendance, and
- Making the move at a natural transition time (between school grading periods, if possible, or during school vacation or holiday break).

If the BID decision is that the student be enrolled in a different school:

- The county child welfare agency social worker or placement provider delivers the Enrollment form to the new school within one school day. Included with the Enrollment form should be the BID form, along with all required, available child information (immunization records, birth certificate, nonsecure custody order, etc.). Any information required for enrollment and not provided initially must be provided within one month.
- The school must enroll the child within one school day of notification.
- The school must arrange transportation to and from school.
- An Educational Services (ES) meeting should be scheduled at the new school within one month (or 20 school days) of enrollment to discuss the child's needs and any issues regarding the child's transition to the new school.

EDUCATIONAL SERVICES MEETING

When the outcome of the BID meeting is that a school change is necessary, an Educational Services (ES) meeting should be scheduled after enrollment in the new school. The purpose of the ES meeting is to ensure the child has all required educational services and to discuss the child's school transition. Scheduling of an ES meeting is the responsibility of the county child welfare agency. The county child welfare worker should collaborate with the LEA to schedule the ES meeting within one month (or 20 school days) of the child's enrollment in a new school. The BID form shall be used to document the ES meeting.

Either the county child welfare agency or the LEA may request an ES meeting be scheduled to discuss concerns and/or educational benefits regarding a child at any time. When a county child welfare agency is considering a school change for a child in custody, independent of a placement change, an ES meeting must occur prior to the school change. Whenever there are educational concerns regarding a child, the BID form can also be used in conjunction with the Child Educational Status form at case reviews.

EDUCATIONAL PLANNING & DOCUMENTATION

County child welfare agencies must have a clear, written plan regarding education in the case file for every child in agency custody. This plan must document how educational stability will be achieved and track the child's educational history. Use of the [Out-of-Home Family Services Agreement \(DSS-5240\)](#), [Section XII, E. Education and Health Services to Child or Youth](#) and the [Child Education Status form \(DSS-5245\)](#) supports

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compliance. The Child Education Status form or the BID form must be completed for every school-aged child within seven days of entering a county child welfare's custody (See [1201 Child Placement Services, II. The Out of Home Family Services Agreement](#)).

The Child Education Status form or BID form must be reviewed and updated:

- Whenever the Out-of-Home Family Services Agreement is reviewed (at least every 6 months), or
- Whenever a placement change or school change occurs.

The Child Education Status form prompts the child welfare agency social worker to assess the following:

- The child's education records are current, including the:
 - Child's assigned grade,
 - Child's school with address and contact information,
 - Child academic report card,
 - Child's behavioral, or disciplinary records, if any,
 - Child's individualized education program (IEP) or 504 documents,
 - Child's mode of school transportation,
 - Child's involvement in sports, clubs, or other activities, and
 - Any other important supportive educational information.
- The child continues to be enrolled in the least restrictive environment and is receiving the appropriate hours of instruction,
- The child is making reasonable progress toward grade promotion or graduation,
- The child is provided with any required assistance toward grade promotion and there is a plan for post-secondary education,
- The child receives special education services if needed,
- The child is assigned a special education decision maker, (IDEA states that the surrogate cannot be someone who is employed by an agency that is involved in the education or care of the child) if needed, and
- The child receives any needed accommodations for a disability or health condition.

Discussion and documentation regarding the educational needs for a school aged child should be initiated before a child enters the custody of a county child welfare agency. For a pre-school age child, discussion can be delayed until the Out of Home Family Services Agreement is developed. Even with a pre-school child, there must be documentation of the plan to address educational needs, to include but not limited to developmental assessments and immunization records.

When a child enters agency custody, a placement change is necessary, or a school change is being considered, the county child welfare agency shall have a BID meeting and use the BID form to ensure that there is documentation in the case file. The documentation must include:

- The efforts by the county child welfare agency to maintain the child in their current school and/or specific barriers or issues that prevented the child from remaining in his or her current school.
- All transitional planning when a child must change school and follow-up documentation regarding issues addressed during the transition.

County child welfare agency social workers must report to the court regarding each child's educational status at all hearings. Court reports must include information regarding the child's educational strengths and needs and any changes in educational status since the previous hearing. For initial placements:

- County child welfare agencies must identify all efforts to maintain the child in his or her current school at the initial 7-day hearing, and
- County child welfare agency should provide the Best Interest Determination meeting documentation if a school change occurred.

COMMUNICATION WITH PARENT(S) REGARDING EDUCATIONAL DECISIONS

[NC General Statutes 7B-903.1](#) states that when a child is in the custody of the county child welfare agency, the county director may arrange for, provide, or consent to decisions about matters that are generally made by a juvenile's custodian, including, but not limited to, educational decisions and consenting to the sharing of the juvenile's educational information, without obtaining parental consent. This does not relieve county child welfare agencies from engaging parents in all educational decisions regarding their child(ren).

Unless a parent has lost their parental rights (through the court) or cannot be located, their input, knowledge, and insight about their children is legally protected and must be part of the plan for their child. If/when a parent does not agree with the decision regarding school selection, that parent must be provided information on how to have the decision reviewed. Parents have the right to request that the court review and intervene if they do not agree with educational decisions made by the child welfare agency at any point in a case.

Each county child welfare agency must provide to the parent:

- Information about what school his or her child attends,
- Information about upcoming meetings regarding educational decisions and services,
- Contact information for the county child welfare agency director (or designee) who a parent can contact to dispute or to request the review of any school placement decisions, and
- Guidance on how to have an educational decision, including school placement reviewed by the court.

The only exception to providing educational information to a parent is if the child would be endangered. Justification for the exception must be documented in the case file.

If a parent disputes and requests in writing that an educational decision be reviewed by the county child welfare agency director, the review should be completed within two weeks of the request. A written response to the parent should be mailed within three weeks and a copy placed in the case file.

INTER-COUNTY PLACEMENTS

There may be times when it is in the child's best interest to be placed in a county different than the county where his or her current school is located. Even under these circumstances the child should continue to attend his or her current school unless it is determined that it is not in the child's best interest.

County child welfare agencies must collaborate regarding the best interest for a child. Refer to [Chapter V: Jurisdiction](#).

TRANSPORTATION FOR CHILDREN IN AGENCY CUSTODY

School transportation is primarily the responsibility of the LEA. However, the county child welfare agency must ensure that a child in agency custody does not experience a break in school attendance due to entering agency custody or following a placement change. In many circumstances this may require the county child welfare agency provide transportation for a child until school transportation is in place. The county child welfare agency must provide immediate notification to the school so that transportation options can be identified. This will ensure that school transportation is in place in a reasonable time frame, within two weeks of notification.

The following section provides guidance to county child welfare agencies regarding funding for the additional cost of transportation when necessary to ensure educational stability. The section following that provides information regarding what LEAs should provide. This information informs child welfare agencies about requirements for LEAs regarding transportation for children served by the foster care system. By understanding these requirements child welfare agencies can more effectively advocate for children in foster care.

1. Child Welfare Transportation Funding Guidance

If the school can offer an existing means of transportation at no additional cost, then that transportation should be utilized for the child and there is no additional expense.

If the child has an IEP that includes provisions for specialized transportation, transportation must be provided by the LEA. Based on special education regulations,

any alternative special education placement, whether public or private, assumes specialized transportation is part of the IEP. In the IEP the individualized provisions for transportation must be due to the child's disability and necessary to guarantee access to a free, appropriate public education. Examples can include:

- Child requires transportation to private day or private residential school,
- Child requires physical accommodations/modifications (e.g., car seat or security devices such as harnesses, brackets, restraints, seatbelts, vests, etc.),
- Child requires specialized equipment such as special or adapted bus, lift, or ramp,
- Child requires a bus with a two-way radio, phone, or other equipment in case of an emergency,
- Child requires specialized services including personnel to provide assistance or supervision (e.g., aide),
- Child requires necessary medical equipment to perform procedures on the bus,
- Child requires alteration to school or bus schedule (e.g., partial day attendance, shortened bus ride, etc.).

If the school can provide transportation but will need to modify a route or create a new option, the school transportation designee will calculate the extra cost, and the county child welfare agency and LEA will determine how to cover those costs.

When there are no existing transportation routes and if the child does not have an IEP that includes transportation, other modes of transportation should be explored, jointly with the LEA, including, but not limited to:

- School transportation contractors,
- Foster parents,
- Public transportation such as buses or cabs,
- Community partners, including relatives, and
- County child welfare agency social workers.

For all IV-E eligible and reimbursable children, county child welfare agencies should consider covering the additional cost of transportation. IV-E transportation can be covered in the following ways:

- Whenever a county child welfare agency worker provides educational transportation, Code 251Z should be utilized for IV-E eligible and reimbursable children. [See Chapter XIII: Child Welfare Funding Manual, Section 1500, Foster Care Funding](#) for IV-E eligible and reimbursable requirements.
- The transportation costs incurred by a DSS licensed foster parent, either for providing educational transportation as the foster parent or arranging for educational transportation in some other way (i.e. paying a neighbor to transport, bus fees, etc.) can be added to the monthly maintenance payment. Reimbursement for any amount above the standard amount is reimbursed the approximately 66% federal dollars and the remaining portion is all county dollars. Note: If SFH, would not have maximization.

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- Other educational transportation expenses incurred by the county can be claimed on Part IV of the DSS-1571. Contracts are necessary with anyone with whom services are purchased for transportation costs. County administrative staff will need to use Fund ID "R" with the appropriate service code for the IV-E Transportation services. The service code for the IV-E Transp Fund is available in the SIS Manual. These purchased services are to be documented with a client identification number. Cost will be tracked in application code 287 IV-E Transp. Additionally, for this program the CFDA number will be 93.658. The IV-E Transp program will not be tracked on the existing DHHS XS411c report. Note: Transportation expenses if SFH could be also claimed on Part IV or on 5094 but there would be no reimbursement.

County child welfare agencies are required to monitor child trust accounts for those children receiving SSA, SSI, child support, or any other payments. County agencies should consider the trust account for funding of transportation expenses, instead of applying the trust account to maintenance costs, as the maintenance costs may be reimbursable.

All foster children qualify for LEA Title I funding. The purpose of Title I is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments. The basic principles of Title I state that schools with large concentrations of low-income students will receive supplemental funds to assist in meeting student's educational goals. Title I is a Federal aid program that is capped and distributed to school districts per a set of four separate formulas. Many factors go into Title I formulas: poverty, population, eligibility thresholds, hold harmless provisions, etc. Unless a participating school is operating a schoolwide program, the school must focus Title I services on children who are failing, or most at risk of failing, to meet state academic standards. In return, school districts and states must meet accountability requirements for raising student performance. As Title I funding is capped for each year and calculated differently for each LEA, each LEA will have different capacity to fund foster child school of origin transportation. When an LEA has Title I funding availability, the LEA should consider covering the cost of transportation.

Lastly, the county child welfare agencies and LEAs should consider splitting the additional cost for transportation.

Any time spent by the social worker or other agency staff who complete day sheets providing educational transportation for children who are not IV eligible can code to 251 X. While this time could be coded to 109, it is important for agencies to maintain records of expenditures for all children related to the costs of maintaining children in their school of origin since the responsibility for these costs is shared between child welfare and the school system. The reimbursement for these will be consistent for all other reimbursements for services coded to either funding source.

County child welfare agencies should provide to licensed foster parents a form to track mileage to apply for reimbursement. An amended contract may be necessary for group homes to cover transportation when the school placement is out of the local LEA school district.

All county child welfare agencies should consider the development of an Agreement or Memorandum of Understanding with their local LEAs regarding payment and funding for the additional transportation costs. An example is provided in: [Every Student Succeeds Act Implementation Toolkit, Improving Education Outcomes for Children and Youth in Foster Care](#).

2. LEA Transportation Planning

Under ESSA, transportation procedures established by LEAs for children in agency custody must:

- Ensure that children in agency custody who need transportation to his or her current school will promptly receive transportation in a cost-effective manner;
- Ensure that, if there are additional costs incurred in providing transportation to maintain a child in agency custody in their current school, the LEA will provide transportation to the school of origin if:
 - The county child welfare agency agrees to reimburse the LEA for the additional cost of transportation;
 - The LEA agrees to pay for the additional cost of transportation; or
 - The LEA and the county child welfare agency agree to share the additional cost of transportation.

Each LEA should develop a plan that outlines the steps for making transportation decisions for a specific child.

The following options will be considered to provide current school transportation:

1. An existing bus route can be used.
2. An existing bus route can be modified slightly to accommodate the new address.
3. Specialized transportation offered to other children can be accessed, such as:
 - a. Special education;
 - b. Alternative education;
 - c. Magnet school; or
 - d. McKinney-Vento transportation.
4. Existing specialized transportation can be modified slightly to accommodate the new address.
5. Alternatives not provided directly by the LEA that the county child welfare agency could access or that the local school would be willing to assist in

accessing (this could be facilitating the arrangement or providing the transportation and being reimbursed). Examples include:

- a. Cabs or other contracted transport; or
 - b. Public transportation such as city buses, etc.
6. The county child welfare social worker should collaborate with the LEA to explore options outside of those provided by the LEA, such as reimbursing the placement providers for transportation costs, or including transport in contracts with licensed child placing agencies or group homes, or payment for transportation by extended family members.

CHILDREN WITH SPECIAL NEEDS

For children with disabilities, compliance with IDEA is required. Two of the federal laws that fund special education and protect the rights of students with disabilities are [IDEA](#) and [Section 504 of the Rehabilitation Act of 1973](#) (29 U.S.C. § 701 et seq.). IDEA was passed in 1975 to ensure that children with disabilities have the opportunity to receive a free, appropriate public education (FAPE), just like other children. IDEA requires that special education and related services be made available to every eligible child with a disability and that the children are provided these services in the "least restrictive environment". Section 504 is a civil rights law that protects children with disabilities from discrimination based on their disabilities.

For children who are English Language Learners (EL) added protections are provided through Title VI and the Equal Educational Opportunities Act (EEOA). If a child is EL, language services must be provided.

Special education is instruction that is specifically designed to meet the needs of a child with a disability. School selection for a child with a disability will require information about the child's disability and what schools in a LEA can meet those needs, including any special transportation needs.

The county child welfare agency shall provide to the school any information regarding a child's disability (IEP, special education provisions, medical records, etc.), particularly when a change in school is deemed in the child's best interest.

WHEN THERE ARE DISAGREEMENTS BETWEEN CHILD WELFARE AND LOCAL SCHOOL AGENCIES

Educational stability requires that the county child welfare agency and LEA collaborate in determining the school selection based on the child's best interest. As stated previously, policy requires that a child continue to attend his or her current school until the BID meeting is held. A change in school should only occur before the BID meeting when it is detrimental to the child's best interest (safety or distance) to remain in his or her current school and requires approval by the county child welfare agency program manager or director.

DISPUTE REGARDING BEST INTEREST DETERMINATION

Both the school representative and the county child welfare agency social worker should attend the BID meeting and engage in efforts to make the school placement selection at this meeting based upon the child's best interest. If agreement cannot be achieved at the meeting, the child should remain in the school in which he or she is enrolled and:

1. Within three school days the county child welfare agency supervisor and school administrator should review the best interest documentation and work together to resolve the disagreement.
2. If the disagreement continues, the county child welfare agency director or designee will review the best interest documentation. As the county child welfare agency with nonsecure custody of the child has the authority to make the final decision, the child welfare agency director or designee will make the school placement decision within the next three school days.

Until the final determination is made, the county child welfare agency shall be responsible for transportation of the child to his or her school if the child's placement is not on the school transportation route.

DISPUTE REGARDING TRANSPORTATION FUNDING

Once school placement has been determined, the LEA and county child welfare agency must collaborate to establish the appropriate transportation for the child. Refer to the section regarding Child Welfare Guidance section regarding use of IV-E funding for children who are eligible. When there is a disagreement regarding funding for transportation expenses, the LEA will cover the expense until the dispute is resolved. If agreement cannot be achieved, the following resolution process should be followed.

1. Within thirty days the county child welfare agency director (or designee) and school district superintendent (or designee) should review the transportation expenses and work together to resolve the disagreement.
2. If the disagreement continues, the dispute can be referred to the DPI state contact and the Division Child Welfare state contact. Unless an alternate resolution is identified within the next thirty days, the county child welfare agency and the LEA will split the cost of all additional transportation expenses.

DATA COLLECTION

Success in achieving educational stability for children in agency custody can only be achieved through monitoring of accurate data regarding:

- When BID meetings occur,
- The frequency, number, and justification for school changes, and
- Whether children are achieving their educational goals.

Every county child welfare agency must collect data for the children in their custody. This will enable agencies to determine areas where they are performing well and areas that require additional focus. The county child welfare agency point of contact should be responsible for the collection and tracking of this information.

County child welfare agency data tracking should be coordinated with LEA data tracking. County child welfare agencies shall share critical data with LEAs, but only data needed to ensure school stability and success, to include but limited to:

- Which children are in a county child welfare agency's custody (entering or leaving);
- When a change in placement for a child in the county child welfare agency's custody is being proposed (or in emergency situations already occurred); and
- Information regarding a child's safety or need for accommodation.

LEAs shall share child welfare data among school staff only a "need to know" basis.

COUNTY CHILD WELFARE AGENCY POINT OF CONTACT

Each county child welfare agency must designate an educational stability point of contact who must be trained in educational issues and policy requirements. This point of contact must have sufficient time and opportunity to provide guidance and technical assistance to county child welfare staff regarding educational stability and be available to collaborate with the LEA point of contact. The county child welfare agency point of contact is also responsible for county data tracking and monitoring regarding compliance with this Educational Stability policy. Each county child welfare agency must develop a process to ensure the Child Welfare point of contact is informed when a child enters the county's custody, experiences a placement change, or experiences a school change. The responsibilities of that point of contact are to:

1. Serve as one of the primary contacts between the county child welfare agency regarding children in agency custody and school staff, district personnel, and other educational service providers;
2. Coordinate with the corresponding LEA point of contact on educational stability policy implementation;
3. Establish processes within the county child welfare agency to notify:
 - a. Child Welfare Point of Contact regarding any child that enters the county child welfare agency custody and/or experiences a placement or school change,
 - b. Educational agency staff when a CFT is scheduled regarding the possibility of a child entering agency custody or experiencing a placement change, or if not

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- notified prior to a change, then immediately after, to ensure coordination and participation in best interest determinations; and
- c. Educational agency when a child has been placed in agency custody, when there has been a placement change, a school change, or an exit from agency custody to ensure all needed services are provided, including immediate enrollment when needed, and educational records are current and accurate.
- 4. Facilitate transfer of records including immunizations, medical records, and copies of IEPs and Section 504 Plans;
 - 5. Work with LEAs to ensure that children in agency custody are immediately enrolled in school and have transportation services arranged;
 - 6. Manage best interest determination and transportation costs agreements between the LEA and the child welfare agency, to include establishing a process to resolve disputes with the LEA regarding school selection or additional transportation costs, and to ensure children receive prompt school stability transportation even when the agencies are disputing school selection or transportation costs;
 - 7. Provide training to LEA and county child welfare staff on educational needs of children in agency custody including state and local policies;
 - 8. Coordinate with the LEA regarding data sharing for children in agency custody, consistent with FERPA and the confidentiality of information provisions in the IDEA, to monitor agency compliance with the requirements of this policy;
 - 9. Coordinate services so that children in agency custody can access early educational services for which they are eligible, including Head Start and Early Head Start, home visiting, and preschool programs administered by the SEA or LEA, and screening and referrals to health, mental health, dental, and other appropriate services;
 - 10. Establish processes within the county child welfare agency for:
 - a. Director or designee approval for school placement decisions that occur prior to the BID meeting.
 - b. For director or designee review when a parent disputes a school placement decision.
 - 11. Inform parents or education decision makers of children in agency custody of the child's educational rights and provide public notice of the educational rights of children in agency custody to community stakeholders.

Definitions

Current/School of Origin School: The school that the child was attending prior to entering the custody of a county child welfare agency or the school the child was attending prior to a placement change.

Local Educational Agency/School District Point of Contact: The local educational agency (LEA) point of contact must be trained in educational issues and ESSA requirements. This point of contact must have sufficient time and opportunity to provide guidance and technical assistance to local educational staff regarding educational stability and also be available to collaborate with the county child welfare point of contact. The Notification form and Enrollment form shall be used by the county child welfare agency to communicate when a child changes placement or school (enters custody, experiences a placement change or a school change is being considered) to the LEA. The LEA is responsible for ensuring that the LEA point of contact is informed.

Enrolled: Child is attending classes and participating in school activities.

References & Forms

Every Student Succeeds Act: Ensuring Educational Stability for Children and Youth in Foster Care in North Carolina, NC Division of Social Services and NC Department of Public Instruction Joint Guidance.

Best Interest Determination form [DSS-5137](#)

Foster Care Notification of Placement (Change) form [DSS-5133](#)

Foster Child Immediate Enrollment form [DSS-5135](#)

Child Educational Status form [DSS-5245](#)

Listing of Local Educational Agency Points of Contact, [SERVE Website](#)

[Every Student Succeeds Act Implementation Toolkit, Improving Education Outcomes for Children and Youth in Foster Care](#)

Educational Stability for Children & Youth in NC Child Welfare Custody

